

FILED

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
CHAPTER 13**

JAN 13 2016 P 1:31

CLERK, U.S. BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

IN RE:

STUART JOSEPH SELVAGGI,

CHAPTER 13

**Case No. 16-bk-00033-8C3-
CPM**

Debtor

EMERGENCY HEARING REQUESTED
MOTION TO SET SALE ASIDE AND ENFORCE AUTOMATIC STAY

The debtor, STUART JOSEPH SELVAGGI, hereby files this Motion to Set Aside Sale which violated the Automatic Stay and as grounds therefore would state:

1. The purpose of this Motion and Order are to insure this Bankruptcy Court approves any and all action against the bankruptcy estate. Debtor filed Chapter 13 bankruptcy on January 5, 2016 in the United States Bankruptcy Court. The time of filing the case is reflected on the Clerk's receipt and was 09:27:2016 attached as Exhibit A.
2. A foreclosure sale of the debtor's residence, physical address 8410 66th Way North, Pinellas Park, Fl 33781, legal description of Lot 1, Block 7 of Palmbrooke Townhomes, according to the Plat thereof as recorded on Plat Book 130, pages 35 through 39, of the Public Records of Pinellas County, Florida, was scheduled on the same day January 5, 2016 at 10:00am. The actual time of the auction was 11:17am. The actual time is reflected in the print out of the Pinellas county online auction history and attached as Exhibit B. This

state court civil foreclosure case is in Pinellas County, and is case 13-002609-CI.

This property is the subject property.

3. Debtor filed Suggestion of Bankruptcy in the foreclosure case on the same day, attached as Exhibit C.
4. Debtor purchased the property on June 04, 2014 at a foreclosure auction in which plaintiff was the Home Owners Association. Certificate of Title reflecting this sale shown as Exhibit D. The amount paid by Debtor was \$39,033.70. Debtor has made this property his home, and has paid all maintenance, insurance, and HOA payments. Debtor has legal interest in this property since June 04, 2014, and has equitable/beneficial interest in the property since the same date.
5. The subject property is the property of the bankruptcy estate under **11 U.S.**

Code § 541 (a):

The commencement of a case under section 301, 302, or 303 of this title creates an estate. Such estate is comprised of all the following property, wherever located and by whomever held: **(1)** Except as provided in subsections (b) and (c)(2) of this section, all legal or equitable interests of the debtor in property as of the commencement of the case.

6. The Automatic Stay applies to the property of the bankruptcy estate under **11 U.S. Code § 362:**

(a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title, or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970, operates as a stay, applicable to all

entities, of—

(2) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;

(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;

(4) any act to create, perfect, or enforce any lien against property of the estate.

7. The Automatic Stay went into effect prior to the sale of the property. The Suggestion of Bankruptcy was filed on January 5, 2016 giving notice to the Judge in the state court foreclosure case.

8. The Plaintiff in this state foreclosure case is Ocwen Loan Servicing, LLC. The defendants are the previous owners, Tom and Marilyn Parker. The Debtor Selvaggi is not a defendant in the case.

9. The following case events occurred after the Suggestion of Bankruptcy was filed on January 5, 2016.

a. The high bidder in the auction, Michael J Hall and Lucille M Hall, filed Motion To

Issue Certificate of Title on January 6, 2016, shown as Exhibit E. This Motion acknowledges the Chapter 13 case filed by the Debtor.

The Chapter 13 case was filed and opened in the Tampa Division of the United States Bankruptcy Court prior to the scheduled foreclosure sale time of 10:00am and

prior to the actual sale time of 11:17am. Said Motion acknowledges explicitly

Debtor has legal and equitable interest in the property.

b. The high bidder sent cover letter and proposed Order and was received by Judge St. Arnold on January 6, 2016 shown

as Exhibit F. The cover letter and Order acknowledges the Chapter 13 of the Debtor.

c. Judge signed the Order on January 7, 2016 shown in Exhibit G. This is Order to Issue Certificate of Title, and was Ordered TWO days after the Auction Sale date.

Under the 2015 Florida statute 45.031 Judicial sales procedures, the certificate of title shall be filed if no objections to the sale are filed within 10 days:

45.031 (5) CERTIFICATE OF TITLE.—If no objections to the sale are filed within 10 days after filing the certificate of sale, the clerk shall file a certificate of title and serve a copy of it on each party in substantially the following form:

d. Neither the letter nor the Order were filed in the civil court records department until January 8, 2015 at 4:44pm, as shown in Exhibit G. The clerk's office closes at 4:30pm. This filing was 14 minutes AFTER the records department closed. The public court docket was not updated until Monday January 11, 2016. The effect of these occurrences was that Selvaggi was unaware of these actions against the property of the bankruptcy estate including communications, letter, proposed Order, and signed Order until January 11, 2016, Five days after receipt.

Each of these actions is violation of the automatic stay. The signing of the Order indicates the state case is being accelerated, and this acceleration is in direct

violation of 2015 Florida statute 45.031 Judicial sales procedures which requires 10 day period in which to file Objection to Sale.

10. Debtor Selvaggi discovered the signed Order on January 11 when the public docket showed this action, and immediately prepared and filed in state court Motion to Reconsider Order Granting Motion to Issue Certificate, attached as Exhibit H.

11. Debtor Selvaggi discovered the state case had been closed, and paid \$50 to reopen the case on January 12 , clerk receipt attached as Exhibit I. The state court docket printed as of 11:05am January 13, 2016 is attached as Exhibit J, however this reopening of the case is not reflected. Debtor Selvaggi prepared and filed in the reopened state case Objection to Sale and Motion to Stay attached as Exhibit K.

12. Debtor Selvaggi prepared and delivered Notice to attorney for Plaintiff Ocwen Loan Servicing, LLC ; Attorney is Jennifer Tarquinio, Brock and Scott, attached as Exhibit L. Receipt of delivery of this Notice is 8:45am January 11, 2016 is shown as Exhibit M. Debtor has placed 10 calls to Jennifer Tarquinio, and no return calls to Debtor have been received.

13. Debtor is unable to pay legal fees required for representation. The time demand for responding to the ongoing process against the property of the bankruptcy estate has prevented Debtor from completing remaining schedules and plan. These schedules will reflect the following facts: that Debtor has IRS debt; that Debtor suffered drastic income and savings loss throughout entire 2015. Debtor seeks relief provided by Chapter 13 reorganization. Debtor Selvaggi had health

issue throughout 2015. One member of Debtor's family is pregnant with delivery in next two weeks and is residing with Debtor.

14. Debtor has exhausted all methods to communicate the Automatic Stay to all parties involved in the above detailed violations of the Automatic Stay. The violations of the Automatic Stay are continuing.

15. Willful violations of the Automatic Stay are punishable for actual damages, punitive and exemplary damages, and for legal fees. Once notice is given to attorney in state court civil action which violates the Automatic Stay, to avoid award of damages or finding of contempt, attorney has affirmative duty to undo technical violation of Automatic Stay when foreclosure auction occurred. After such notification, attorney's failure to undo technical violation transforms the technical violation into **willful stay violation**, thus attorney would be held in contempt of court and would be ordered to pay attorney fees that had resulted from having to bring the matter before the court. **11 U.S. Code § 362(h)**.


16. In summary, the property of the bankruptcy estate has been foreclosed upon, after the filing of the bankruptcy case and in clear violation of the Automatic Stay. Debtor Selvaggi has exhausted all avenues to stay these violations. Debtor Selvaggi is fearful the same pattern of violations is occurring and will not stop.

17. The Court has the authority to set aside sales which are in violation of the Automatic Stay and to take action to Enforce the Automatic Stay.

18. Debtor Selvaggi prays this Court to Enforce the Automatic Stay by Setting Aside the Sale dated January 5, 2016 in the state civil case described above, Civil Case 13-002609-CI, in Pinellas County, Florida. This sale occurred when the Automatic Stay was in effect, and against the property of the bankruptcy estate. Furthermore, all methods by Debtor to stop the violations have been ignored, and the violations have continued. If the violations of the Automatic Stay are allowed to continue, Debtor will continue to suffer, and such suffering will be catastrophic if violations are allowed to continue.

Setting the Sale Aside will insure the Automatic Stay is enforced, and will insure this Court approves any and all action against the bankruptcy estate. It will allow the high bidder to receive a refund of bid amount paid to the county.

Debtor Selvaggi prays the Court to enforce the Automatic Stay by Order to Set Aside the Sale dated January 5, 2016 in the state civil case 13-002609-CI in Pinellas County, Florida, and any other Orders the Court sees fit to allow enforcement of the Automatic Stay and protect the bankruptcy estate.



Stuart Joseph Selvaggi
Debtor
8410 66TH Way N
Pinellas Park, FL 33781
650-906-8370 - mobile
727-541-5525 - work

CERTIFICATE OF SERVICE ☐

I HEREBY CERTIFY that a true copy hereof has been furnished by mail to the persons listed below this 13TH day of JANUARY, 2016.


The Honorable Judge St. Arnold
315 Court Street, #423
Clearwater, FL 33756

Clerk of the Court, Ken Burke
315 Court Street
Clearwater, FL 33756

OCWEN LOAN SERVICING LLC
c/o Brock and Scott PLLC
1501 NW 49th St, Suite 200
Ft. Lauderdale, FL 33309

Michael J and Lucille M Hall
6648 83rd Ave North
Pinellas Park, FL 33781

THE BANK OF NEW YORK MELLON
FORMERLY KNOWN AS THE BANK OF NEW YORK AS TRUSTEE FOR ETC
ONE WALL STREET
NEW YORK, NY 10286



Stuart Joseph Selvaggi
Debtor
8410 66TH Way N
Pinellas Park, FL 33781
650-906-8370 - mobile
727-541-5525 work

UNITED STATES
BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

126755 - EO

January 05, 2016
09:24:15

INST. PMT 6/1/14
16-00033-8C3

Name...: SELVAGGI, STUART JOSEPH
Judge...: MCEWEN
Amount...: \$100.00 CH
Check#...: 4503

Total-> \$100.00

FROM: SELVAGGI, STUART JOSEPH

**** Creditor Meeting ****

Case....16-00033

Trustee. WAGE, JON
When....February 02, 2016
AT.....10:00 a.m.

Where. [861] Tampa Room 180-B
501 East Polk St., (Timberlake Ann
ex)

Tampa, FL 33602
Visit us online: www.fmb.uscourts.gov

Attorneys!
Ask about our AE-Receipts option.
Get receipts emailed directly to you!

EXHIBIT "A"

RealForeclose- Pinellas Co. x

https://www.pinellas.realforeclose.com/index.cfm?action=AUCTION&Zmethod=DAYLIST&AUCTIONDATE=01/05/2016

Bookmarks Mia's School Website SJ Links TRISTAN 6th GRADE PACER sy1287 Mortgage Loan Calc Hill Country Bible Ch Other Bookmarks

Property Address: 1420 EASTFIELD DR
CLEARWATER, 33764

Assessed Value: \$100,875.00

Plaintiff max bid: Hidden

Name of Title (Nickname): Lucian

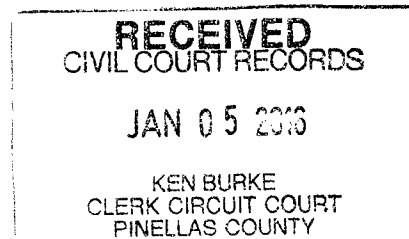
complimentary

Auction Sold 01/05/2016 11:17 AM ET	Auction Type: Case #: Final Judgment Amount: Parcel ID: Property Address:	FORECLOSURE 522013CA002609XXCICI \$291,387.33 30-30-16-65488-007-0010 8410 66TH WAY N PINELLAS PARK, 33781
Amount \$165,300.00	Assessed Value: Plaintiff max bid:	\$139,424.00 \$165,257.00
Sold To 3rd Party Bidder		

EXHIBIT "B"

CASE 13-002609-CI

Ocwen Loan Servicing, LLC vs Marilyn Parker, et al.



SUGGESTION OF BANKRUPTCY

I am the owner of record for this subject property.

I filed bankruptcy at 9:24am January 5, 2016, Bankruptcy Case 16-00033-8C3.

The bankruptcy automatic stay applies to all property in which I have interest. Attached as Exhibits are receipt of filing bankruptcy showing case number and time of filing, and Certificate of Title showing my interest in this property.

The foreclosure sale dated today occurred after I filed for bankruptcy protection. I respectfully request this sale to be stopped and not completed.

A handwritten signature in black ink, appearing to read "Stuart Selvaggi". The signature is fluid and cursive.

Stuart Selvaggi

8410 66th Way North

Pinellas Park, FL 33781

650-706-8370

EXHIBIT "C" pg 1

UNITED STATES
BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

126755 - E0

January 05, 2016
09:24:15

INST. PMT 6/1/14
16-00033-8C3

Name...: SELVAGGI, STUART JOSEPH
Judge...: MCEWEN
Amount...: \$100.00 CH
Check#...: 4503

Total-> \$100.00

FROM: SELVAGGI, STUART JOSEPH

*** Creditor Meeting ***

Case....16-00033

Trustee.WAAGE, JON

When....February 02, 2016

AT.....10:00 a.m.

Where.[B61] Tampa Room 100-B

501 East Polk St., (Timberlake Ann
ex)

Tampa, FL 33602

Visit us online: www.flmb.uscourts.gov

Attorneys!

Ask about our AE-Receipts option.

Get receipts emailed directly to you!

EXHIBIT "C" pg 2

CIRCUIT/COUNTY COURT
PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

UCN: 522013CC007764XXCOCO

REF: 2082268

PALMBROOKE TOWNHOMES PROPERTY OWNERS ASSOCIATION
Plaintiff

Doc Stamps Assessed \$280.70

PAID

VS.

PARKER, TOM W ; PARKER, MARILYN W
Defendant

CERTIFICATE OF TITLE

The undersigned Clerk of the Circuit Court certifies that he executed and filed a Certificate of Sale in this action on May 23, 2014, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

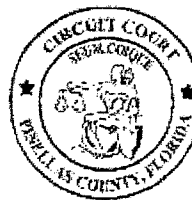
The following property in Pinellas County, Florida:

**LOT 1, BLOCK 7 OF PALMBROOKE TOWNHOMES, ACCORDING TO
THE PLAT THEREOF AS RECORDED IN PLAT BOOK 130, PAGE(S) 35
THROUGH 39, OF THE PUBLIC RECORDS OF PINELLAS COUNTY,
FLORIDA.**

Property Address: 8410 66th Way North, Pinellas Park, Florida 33781

was sold to: STUART SELVAGGI
whose address is
13506 Paddington Circle
Austin, TX 78729

WITNESS my hand and the seal of this court on June 04, 2014.





KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

EXHIBIT "C" pg 3

~~EXHIBIT~~

CIRCUIT/COUNTY COURT
PINELLAS COUNTY, FLORIDA
CIVIL DIVISION

UCN: 522013CC007764XXCOCO

REF: 2082268

Doc Stamps Assessed \$280.70

PALMBROOKE TOWNHOMES PROPERTY OWNERS ASSOCIATION
Plaintiff

PAID

VS.

PARKER, TOM W.; PARKER, MARILYN W
Defendant

CERTIFICATE OF TITLE

The undersigned Clerk of the Circuit Court certifies that he executed and filed a Certificate of Sale in this action on May 23, 2014, for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

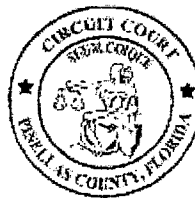
The following property in Pinellas County, Florida:

**LOT 1, BLOCK 7 OF PALMBROOKE TOWNHOMES, ACCORDING TO
THE PLAT THEREOF AS RECORDED IN PLAT BOOK 130, PAGE(S) 35
THROUGH 39, OF THE PUBLIC RECORDS OF PINELLAS COUNTY,
FLORIDA.**

Property Address: 8410 66th Way North, Pinellas Park, Florida 33781

was sold to: STUART SELVAGGI
whose address is
13506 Paddington Circle
Austin, TX 78729

WITNESS my hand and the seal of this court on June 04, 2014.





KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
& COMPTROLLER

EXHIBIT "D"

NOTE: THIS IS IDENTICAL TO EXHIBIT C 193.

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, IN AND FOR
PINELLAS COUNTY, FLORIDA, CIVIL DIVISION**

UCN: 522013CA002609XXCICI

REF: 13-002609-CI

Ocwen Loan Servicing, LLC

Plaintiff, and

Marilyn Parker aka Marilyn W Parker; Tom Parker aka Tom W Parker;
Palmbrooke Townhomes Property Owners Assoc Inc, The Bank of New York Mellon,
Defendants,

FILED
CIVIL COURT RECORDS DEPT
2016 JAN -6 PM 2:54
KEN BURKE
CLERK OF CIRCUIT COURT

MOTION TO ISSUE CERTIFICATE OF TITLE

Michael J and Lucille M Hall, respectfully moves this Honorable Court to grant this Motion to Issue Certificate of Title, and as grounds therefore states:

Michael J and Lucille M Hall placed the winning bid at the Judicial Online Sale on January 5, 2016 for property having a physical address of 8410 66th Way North, Pinellas Park, FL 33781, and the legal description of Lot 1, Block 7 of Palmbrooke Townhomes, according to the Plat thereof as recorded in Plat Book 130, Pages 35 through 39, of the Public Records of Pinellas County, Florida.

On January 5, 2016, a non-party in the above referenced case, Stuart Joseph Selvaggi, filed a Suggestion of Bankruptcy after the sale was complete in an attempt to stall the issuance of the certificate of title. As of the filing of this motion, there is no Suggestion of Bankruptcy appearing in PACER for Stuart Joseph Selvaggi. However, and more importantly, Stuart Selvaggi is not a defendant.

Exhibit A shows a discharged Ch 7 bankruptcy for Stuart Joseph Selvaggi in the state of California, which was closed on September 7, 2012, prior to taking title to the foreclosed property.

Exhibit B shows that the Notice of Lis Pendens for the above case was filed by Ocwen Loan Servicing, LLC on March 11, 2013. Stuart Joseph Selvaggi obtained title after the Lis Pendens.

Exhibit C shows that a Certificate of Title was issued to Stuart Selvaggi as a result of a Judicial Online Sale on June 5, 2014. Therefore, Stuart Joseph Selvaggi was on notice of the Lis Pendens and took title subject to the same.

Stuart Joseph Selvaggi is not a party to the case referenced above and the Suggestion of Bankruptcy filed should not have any bearing on the issuance of the certificate of title.

Michael J and Lucille M Hall prays that this Honorable Court will grant this Motion to Issue Certificate of Title.

Michael J Hall Lucille M Hall

Michael J and Lucille M Hall

6648 83rd Ave North

Pinellas Park, FL 33781

Ph: 816-305-6682 Fx: 727-489-9498

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished by US mail to: Marilyn and Tom Parker, 8410 66th Way N, Pinellas Park, FL 33781, Palmbrooke Townhomes Property Owners Assoc Inc

EXHIBIT "E" pg 1

c/o Rabin Parker PA, 28163 US Hwy 19 N, Suite 207, Clearwater, FL 33761, The Bank of New York Mellon, One Wall Street, New York, NY 10286, Ocwen Loan Servicing, LLC c/o Brock and Scott PLLC, 1501 NW 49th St, Suite 200, Ft Lauderdale, FL 33309 and Stuart Joseph Selvaggi, 13506 Paddington Circle, Austin, TX 78729 on this 6th day of January, 2016.


Michael J and Lucille M Hall

I, Mary Jo Rohr, a nonlawyer, located at 6630 79th Ave N, Pinellas Park, FL 33781, 727-667-9858, helped Michael J and Lucille M Hall, who is the Petitioner, fill out this form.

Attached: Exhibits A, B and C

EXHIBIT "E" pg 2

January 6, 2016

The Honorable Jack R St. Arnold
315 Court Street, Room 468
Clearwater, FL 33756

13-2609-61

et

RE: Ocwen Loan Servicing LLC vs Tom and Marilyn Parker

FILED
CIVIL COURT REC DEPT
2016 JAN -8 PM 4:44
KEN BURKE
CLERK OF CIRCUIT COURT

Dear Judge St. Arnold,

You are receiving this sincere request for your ruling regarding a Judicial Online Sale held yesterday.

Evidence should show that it is clear that the nonparty is attempting to hinder and stall the issuance of the certificate of title for his own personal gain.

Enclosed, for your convenience, please find a copy of the Motion filed, a Proposed Order Granting the Clerk of the Court to Issue the Certificate of Title, and stamped, addressed envelopes to all parties involved.

We thank you in advance for your time and consideration and hope that this case can be closed. If you have any questions, please feel free to contact our representative, Mary Jo Rohr at 727-667-9858.

Respectfully submitted,

Lucille Hall
Michael Rohr

Michael and Lucille Hall

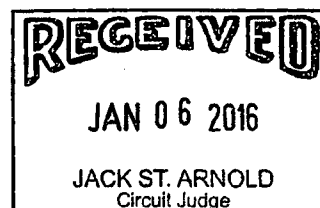


EXHIBIT "F"

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, IN AND FOR
PINELLAS COUNTY, FLORIDA, CIVIL DIVISION

UCN: 522013CA002609XXCICI

REF: 13-002609-CI

Ocwen Loan Servicing, LLC

Plaintiff, and

Marilyn Parker aka Marilyn W Parker; Tom Parker aka Tom W Parker;

Palmbrooke Townhomes Property Owners Assoc Inc, The Bank of New York Mellon,

Defendants,

ORDER GRANTING MOTION TO ISSUE CERTIFICATE OF TITLE

THIS matter came before the Court by the Purchasers who request to strike an irrelevant from a nonparty. The Court having reviewed the Motion and its contents, hereby finds that:

1. Michael J and Lucille M Hall placed the winning bid at the Judicial Online Sale on January 5, 2016.
2. Stuart Selvaggi took title to the property via the Homeowners Association online foreclosure sale, Case No. 13-007764-CO, which was fifteen months after Ocwen Loan Servicing, LLC recorded their Lis Pendens.
3. The suggestion of bankruptcy entered by Stuart Joseph Selvaggi on January 5, 2016, after the online sale, has no bearing in the Issuance of the Certificate of Title, therefore, it is hereby

ORDERED AND ADJUDGED:

That, as a result of the Judicial Online Sale, the Clerk of the Circuit Court shall Issue the Certificate of Title to Michael J and Lucille M Hall.

DONE AND ORDERED, at Clearwater, Pinellas County, Florida, this 7th day of January, 2016.


HONORABLE JACK R ST ARNOLD

Copies to:

Ocwen Loan Servicing, LLC c/o Brock and Scott PLLC, 1501 NW 49th St, Suite 200, Ft Lauderdale, FL 33309

Marilyn and Tom Parker, 8410 66th Way N, Pinellas Park, FL 33781

Palmbrooke Townhomes Property Owners Assoc Inc c/o Rabin Parker PA, 28163 US Hwy 19 N, Suite 207, Clearwater, FL 33761

The Bank of New York Mellon, One Wall Street, New York, NY 10286

Stuart Joseph Selvaggi, 13506 Paddington Circle, Austin, TX 78729

Michael and Lucille Hall, 6648 83rd Ave N, Pinellas Park, FL 33781

NO ENVELOPES / COPIES
PROVIDED

EXHIBIT "G"

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, IN AND FOR
PINELLAS COUNTY, FLORIDA, CIVIL DIVISION**

UCN: 522013CA002609XXCICI

REF: 13-002609-CI

Ocwen Loan Servicing, LLC Plaintiff,

and

Marilyn Parker, et al Defendants

FILED MONDAY JAN
11, 2016 AND HAND
DELIVERY TO COURTROOM
11

MOTION TO RECONSIDER ORDER GRANTING MOTION TO ISSUE CERTIFICATE OF
TITLE

Stuart Selvaggi, respectfully moves this Honorable Court to grant this Motion to Reconsider the Order Granting Motion to Issue Certificate dated January 8, 2016, and as grounds therefore would show:

1. Stuart Selvaggi is the legal owner and has legal interest in the subject property having address of 8410 66th Way North, Pinellas Park, FL 33781 and the legal description of Lot 1, Block 7 of Palmbrooke Townhomes, according to the Plat thereof as recorded on Plat Book 130, pages 35 through 39, of the Public Records of Pinellas County, Florida. evidenced by Exhibit A, Certificate of Title.

I have beneficial interest in this property evidenced by the purchase reflected on the Certificate of Title consideration of which was \$40,000; and all payments made since June 4, 2014 for all maintenance, insurance, and HOA monthly dues.

2. The below captioned Chapter 13 case was filed on January 5, 2016 PRIOR to the foreclosure auction scheduled on the same day for Case 13-002609-CI:

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION**

IN RE:

STUART SELVAGGI

CASE NO. 8:16-BK-0033-CPM
CHAPTER 13

Instant bankruptcy case was filed prior to the commencement of the foreclosure auction

EXHIBIT "H" 11

on January 5, 2016 in the above captioned civil case. Please see Exhibit B, copy of receipt from this Division showing date, time, and the case number issued immediately upon filing of the bankruptcy case. The bankruptcy case was opened and case number assigned at 09:24:15 January 5, 2016 by the Clerk of the United States Bankruptcy Court, Tampa Division. Exhibit B1 is the docket from Pacer showing this filing.

The Auction was scheduled to start at 10:00:00am January 5, 2016.

Stay arises automatically upon the filing of a bankruptcy petition. Debtor need do nothing else to effect the stay. **11 U.S. Code § 362**

3. The subject property is the property of the bankruptcy estate.

The commencement of a case under section 301, 302, or 303 of this title creates an estate. Such estate is comprised of all the following property, wherever located and by whomever held:

(1) Except as provided in subsections (b) and (c)(2) of this section, all legal or equitable interests of the debtor in property as of the commencement of the case. **11 U.S. Code § 541 (a).**

4. The Automatic Stay applies to the property of the bankruptcy estate.

(a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title, or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970, operates as a stay, applicable to all entities, of—
(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;

(2) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;

(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;

(4) any act to create, perfect, or enforce any lien against property of the estate

11 U.S. Code § 362

5. The foreclosure auction occurred AFTER the commencement of the instant bankruptcy case and violates the Automatic Stay.

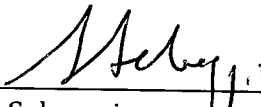
6. Any continuance of the judicial process of the state court civil matter against the Ch 13 debtor Selvaggi that was commenced before the commencement of the Chapter 13 case is a violation of the Automatic Stay.

The Auction which took place on January 5, 2016 is Void Ab Initio and in violation of the Automatic Stay.

The filing of the Motion to Issue Certificate of Title filed by Michael J and Lucille M Hall on January 6, 2016, attached Exhibit C, is violation of the Automatic Stay.

Any continuance of process in Case 13-002609-CI after the Chapter 13 filing date and time of 09:24:15 January 05, 2016 is in clear violation of the Automatic Stay.

Stuart Selvaggi prays this Honorable Court will grant this Motion to Reconsider Order to Issue Certificate of Title, and deny the Motion to Issue Certificate of Title.



Stuart Selvaggi
8410 66th Way North
Pinellas Park, FL 33781
650-906-8370

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished by mail to the persons listed below this 17 day of JANUARY, 2016.

OCWEN LOAN SERVICING LLC
c/o Brock and Scott PLLC
1501 NW 49th St, Suite 200
Ft. Lauderdale, FL 33309


Michael J and Lucille M Hall
6648 83rd Ave North
Pinellas Park, FL 33781

THE BANK OF NEW YORK MELLON
FORMERLY KNOWN AS THE BANK OF NEW YORK AS TRUSTEE FOR ETC
ONE WALL STREET
NEW YORK, NY 10286

PARKER, TOM ALSO KNOWN AS PARKER, TOM W
8410 66TH WAY N
PINELLAS PARK, FL 33781

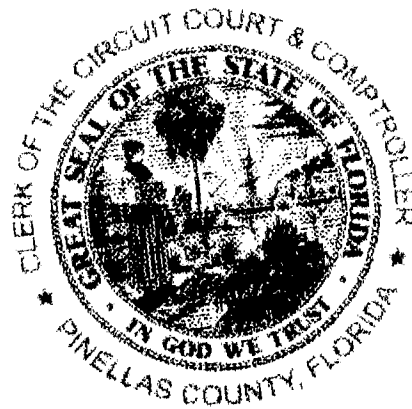
PARKER, MARILYN ALSO KNOWN AS PARKER, MARILYN W
8410 66TH WAY N
PINELLAS PARK, FL 33781

PALMBROOKE TOWNHOMES PROPERTY OWNERS ASSOCIATION INC
MONIQUE E PARKER
RABIN PARKER P A
28163 US HWY 19 N
SUITE 207
CLEARWATER, FL 33761



Stuart Selvaggi

OFFICIAL RECEIPT



KEN BURKE, CLERK OF THE CIRCUIT
COURT AND COMPTROLLER

Visit us at www.mypinellasclerk.org.
Clerk's Customer Information Center.
727-464-7000

Receipt No. **CV-2016-01281**
Transaction Date **01/12/2016**
Payor
STUART SELVAGGI

Description	Amount Paid
OCWEN LOAN SERVICING LLC 13-002609-CI OCWEN LOAN SERVICING LLC Vs. MARILYN PARKER, et al	
Reopen Fee - \$50.00	50.00
SUBTOTAL	50.00
Remaining Balance	0.00
Due:	
Convenience Fee	1.75
PAYMENT TOTAL	51.75
CREDIT CARD (Ref #14640226) Tendered	50.00
Total Tendered	50.00
Change	0.00

01/12/2016
12:03 PM

Cashier EMB
Station CLWCV2

Audit
17598888

OFFICIAL RECEIPT

EXHIBIT I

Location Pinellas County Helio

REGISTER OF ACTIONS

CASE No. 13-002609-CI



Order Documents! *Click Here!*

Request Now! Including Certified!

OCWEN LOAN SERVICING LLC Vs. MARILYN PARKER, et al

Case Type: **REAL PROP - NON-HOMESTEAD RES FORECLOSURE3 \$250,000 or more**

Date Filed: **03/06/2013**

Location: **Section 21**

Judicial Officer: **ST. ARNOLD, JACK R**

Case Number: **522013CA002609XXCICI**

PARTY INFORMATION

CLOSED UNKNOWN SPOUSE OF MARILYN PARKER
DEFENDANT - 8410 66TH WAY N
DISMISSED/DR PINELLAS PARK, FL 33781

Attorneys

CLOSED UNKNOWN SPOUSE OF TOM PARKER
DEFENDANT - 8410 66TH WAY N
DISMISSED/DR PINELLAS PARK, FL 33781

CLOSED UNKNOWN TENANT/OCCUPANT
DEFENDANT - 8410 66TH WAY N
DISMISSED/DR PINELLAS PARK, FL 33781

**CLOSED MORTGAGE ELECTRONIC REGISTRATION
DEFENDANT - SYSTEMS INC AS NOMINEE
SUBSTITUTED FOR COUNTRYWIDE HOME LOANS INC
1200 SOUTH PINE ISLAND RD
PLANTATION, FL 33324**

DEFENDANT PALMBROOKE TOWNHOMES PROPERTY OWNERS ASSOC INC

28163 US HWY 19 N
SUITE 207
CLEARWATER, FL 33761

MONIQUE E PARKER

RABIN PARKER P A
SUITE 207
28163 US HWY 19 N
CLEARWATER, FL 33761

727-475-5535(W)

**DEFENDANT PARKER, MARILYN ALSO KNOWN
AS PARKER, MARILYN W
8410 66TH WAY N
PINELLAS PARK, FL 33781**

DEFENDANT PARKER, TOM *ALSO KNOWN AS* PARKER,
TOM W
8410 66TH WAY N
PINELLAS PARK, FL 33781

**DEFENDANT THE BANK OF NEW YORK
MELLON *FORMERLY KNOWN AS THE*
BANK OF NEW YORK AS TRUSTEE FOR
ETC
ONE WALL STREET
NEW YORK, NY 10286**

PLAINTIFF OCWEN LOAN SERVICING LLC

JENNIFER TARQUINIO

EXHIBIT J pg 1

1/13/2016

<https://ccmspa.pinellascounty.org/PublicAccess/CaseDetail.aspx?CaseID=1718552>

BROCK AND SCOTT PLLC
SUITE 200
1501 NW 49TH ST
FORT LAUDERDALE, FL
33309

954-618-6955 X6156(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

01/12/2016 **OBJECTION**
TO SALE AND MOTION TO STAY

01/12/2016 **EXHIBIT**
(B1) COPY BANKRUPTCY DOCKET

01/12/2016 **EXHIBIT**
(D) COPY MOTION TO ISSUE CERTIFICATE OF TITLE

01/12/2016 **EXHIBIT**
(F) COPY CORRESPONDENCE TO COURT IN RE: PROPOSED ORDER

01/12/2016 **EXHIBIT**
A - COPY CERTIFICATE OF TITLE

01/12/2016 **EXHIBIT**
B - COPY BANKRUPTCY COURT RECEIPT

01/12/2016 **EXHIBIT**
C - ACTUAL TIME OF SALE

01/12/2016 **EXHIBIT**
E - COPY ORDER GRANTING MOTN TO ISSUE CERTIFICATE OF TITLE

01/12/2016 **EXHIBIT**
G - COPY MOTN TO RECONSIDER ORDER GRANTING MOTN TO ISSUE CERTIFICATE OF TITLE - PRO SE

01/11/2016 **EXHIBIT**
A - CERTIFICATE OF TITLE

01/11/2016 **EXHIBIT**
B1 - BANKRUPTCY COURT DOCKETING

01/11/2016 **EXHIBIT**
(B) COPY OF BANKRUPTCY COURT RECEIPT

01/11/2016 **EXHIBIT**
(C) MOTION TO ISSUE CERTIFICATE OF TITLE PRO SE

01/11/2016 **MOTION**
TO RECONSIDER ORDER GRANTING MOTION TO ISSUE CERTIFICATE OF TITLE PRO SE

01/08/2016 **CORRESPONDENCE TO COURT RE:**
ATTY COVER LETTER

01/08/2016 **ORDER GRANTING**
MOTION TO ISSUE CERTIFICATE OF TITLE

01/06/2016 **CASE REOPENED**

01/06/2016 **MOTION**
(SUCCESSFUL BIDDER) TO ISSUE CERT OF TITLE- PRO SE

01/06/2016 **EXHIBIT**
C - COPY CERTIFICATE OF TITLE

01/06/2016 **COPY**
US BANKRUPTCY COURT DATABASE

01/05/2016 **JUDICIAL ONLINE SALE** (10:00 AM) (Judicial Officer ONLINE SALE, JUDICIAL)
REC VER

01/05/2016 **SUGGESTION OF BANKRUPTCY AS TO:**
STUART JOSEPH SELVAGGI (NONCASE PARTY) / RECEIVED AFTER SALE COMPLETE

01/05/2016 **CERTIFICATE OF SALE**
MICHAEL J AND LUCILLE M HALL

01/04/2016 **RETURNED FROM POST OFFICE**
ORDER ON MOTION TO POSTPONE FORECLOSURE SALE OF 010516

12/28/2015 **PUBLISHER'S AFFIDAVIT NOTICE OF SALE**

12/23/2015 **ORDER DENYING**
MOTN POSTPONE JUDICIAL ONLINE AUCTION

12/23/2015 **DEF/RESP'S MOTION**
TO POSTPONE JUDICIAL ONLINE AUCTION - PRO SE

12/09/2015 **NOTICE OF SALE**

09/08/2015 **FINAL DISPOSITION FORM**

09/08/2015 **EXHIBIT**
P1 COMP 1 - LOAN DOCUMENTS

09/08/2015 **DEFAULT JUDGMENT (SRS DISPO)**

09/08/2015 **FINAL JUDGMENT OF FORECLOSURE**
Vol./Book 18916, Page 1569, 6 pages

09/04/2015 **MOTION**
EMERGENCY/THIRD PARTY TITLE HOLDER REQUEST TO POSTPONE HEARING

09/04/2015 **EXHIBIT**
BAILOUT AMOUT TO OCWEN

09/04/2015 **EXHIBIT**
ARTICLE REFERRING TO VIOLATION OF CONSUMER VIOLATION LAWS

09/04/2015 **EXHIBIT**
THIRD PARTY PROOF OF CERTIFICATE OF TITLE

09/02/2015 **CERTIFICATE OF COMPLIANCE W/FORECLOSURE PROCEDURES**

08/28/2015 **NOTICE OF FILING**
AFFIDAVITS

EXHIBIT "J" PG 2

1/13/2016

<https://ccmspa.pinellascounty.org/PublicAccess/CaseDetail.aspx?CaseID=1718552>

08/28/2015 **AFFIDAVIT OF ATTORNEY FEES**
(REASONABLE)

08/28/2015 **AFFIDAVIT OF ATTORNEY FEES**
AND COSTS

08/21/2015 **AMENDED**
TRIAL WITNESS AND EXHIBIT LISTS

08/18/2015 **MOTION**
TO BE ADDED AS PARTY TO THIS ACTION - PRO SE

08/04/2015 **WITNESS LIST**
(PLTF TRIAL)/EXHIBIT LIST

08/04/2015 **NOTICE OF SERVICE OF:**
ATTD COPY OF ORDER SETTING NON-JURY TRIAL

06/24/2015 **ORDER SCHEDULING NON-JURY TRIAL**
090415 11:45

05/06/2015 **DEFAULT ENTERED**
Party: THE BANK OF NEW YORK MELLON

05/01/2015 **NOTICE TO SET CASE FOR NON-JURY TRIAL**

04/30/2015 **PLTF/PET'S MOTION FOR DEFAULT**
DEFAULT ETNERED 5/6/2015

04/28/2015 **NOTICE OF SUBSTITUTION OF COUNSEL**
/DIRECTIONS TO CLERK TO UPDATE ATTY INFO

03/31/2015 **CERTIFICATE OF MAILING**
Party: PARKER, MONIQUE E

03/27/2015 **MOTION**
TO BE ADDED AS PARTY TO THIS ACTION- PRO SE

01/26/2015 **SUMMONS - RETURNED SERVED:**
012015 THE BANK OF NEW YORK MELLON

01/02/2015 **REQUEST FOR SUMMONS**
ISSUED 1/5/15 FOR BANK OF NEW YORK MELLON

12/23/2014 **CERTIFICATE**
OF MAILING

12/23/2014 **EXHIBIT**
COPY ORDER TO SUB PARTY /ISSUE SUMMONS

12/05/2014 **CORRESPONDENCE TO COURT RE:**
PROPOSED ORDER

12/05/2014 **CORRESPONDENCE TO COURT RE:**
PROPOSED ORDER RCVD BY COURT 120114

12/05/2014 **ORDER SUBSTITUTING PARTY**
DEFT

11/07/2014 **NOTICE OF HEARING**
120114 11:00(TELEPFONIC)

10/03/2014 **PLTF/PET'S MOTION SUBSTITUTING PARTY**
/ DIRECT CLERK TO ISSUE SUMMONS

10/03/2014 **EXHIBIT**
A - ASSIGNMENT OF MORTGAGE

10/03/2014 **EXHIBIT**
B - SUMMONS

03/27/2014 **CORRESPONDENCE TO COURT RE:**
PROPOSED ORDER

03/27/2014 **ORDER FOR SUBSTITUTION OF COUNSEL**
FOR PLTF

03/24/2014 **PLTF/PET'S MOTION**
FOR SUBSTITUTION OF COUNSEL

03/24/2014 **EXHIBIT**
(A) CONSENT

03/24/2014 **EXHIBIT**
CASES TRANSFERS

03/24/2014 **STIPULATION FOR SUBSTITUTION OF COUNSEL**

03/21/2014 **NOTICE OF CANCELLATION**
OF HEARING 040114

03/10/2014 **NOTICE OF APPEARANCE**

01/27/2014 **NOTICE OF HEARING**
040114 9:00

01/09/2014 **CERTIFICATE OF COMPLIANCE W/FORECLOSURE PROCEDURES**

12/31/2013 **NOTICE OF FILING**
ATTACHED ORIGINAL NOTE

10/21/2013 **RETURNED FROM POST OFFICE**
REASSIGNMENT OF YOUR CASE FROM SECTION 20 TO SECTION 21 INSTRUCTIONS TO LAWYERS AND LITIGANTS RETD BY PO

10/16/2013 **RETURNED FROM POST OFFICE**
REASSIGNMENT OF YOUR CASE FROM SECTION 20 TO SECTION 21 INSTRUCTIONS TO LAWYERS AND LITIGANTS RETD BY PO

10/16/2013 **RETURNED FROM POST OFFICE**
REASSIGNMENT OF YOUR CASE FROM SECTION 20 TO SECTION 21 INSTRUCTIONS TO LAWYERS AND LITIGANTS RETD BY PO

10/07/2013 **SECTION 20 TRANSFER CALENDAR** (12:01 AM) ()

10/07/2013 **CORRESPONDENCE FROM CLERK RE:**
TRANSFER OF CASE TO NEW SECTION PER ADMIN ORDER 13-062

09/18/2013 **PLTF/PET'S MOTION FOR SUMMARY JUDGMENT**

09/18/2013 **AFFIDAVIT OF INDEBTEDNESS**

09/18/2013 **AFFIDAVIT AS TO COSTS**

09/18/2013 **AFFIDAVIT OF ATTORNEY FEES**
AND TIME

09/18/2013 **AFFIDAVIT**
IN SUPPORT OF ATTYS TIME

08/23/2013 **DEFAULT ENTERED**

<https://ccmspa.pinellascounty.org/PublicAccess/CaseDetail.aspx?CaseID=1718552>

3/5

EXHIBIT "J" pg 3

1/13/2016

<https://ccmspa.pinellascounty.org/PublicAccess/CaseDetail.aspx?CaseID=1718552>

Party: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
 Party: PARKER, MARILYN
 Party: PARKER, TOM

08/19/2013 **PLTF/PET'S MOTION FOR DEFAULT**
 08/19/2013 **RECORDED NOTICE OF DROPPING**
WITHOUT PREJUDICE
 Party: UNKNOWN SPOUSE OF MARILYN PARKER
 Party: UNKNOWN SPOUSE OF TOM PARKER
 Party: UNKNOWN TENANT/OCCUPANT

08/19/2013 **AFFIDAVIT AS TO MILITARY SERVICE**
 08/05/2013 **NOTICE BORROWER NONPART FORECLOSURE MEDIATION**
AND CANCELLATION OF MEDIATION SET 081513

05/30/2013 **ORDER REFERRAL FORECLOSURE MEDIATION**
 04/02/2013 **SUMMONS - RETURNED SERVED:**
032113
 Party: PARKER, MARILYN

04/02/2013 **SUMMONS - RETURNED NOT SERVED:**
 Party: UNKNOWN SPOUSE OF MARILYN PARKER

04/02/2013 **SUMMONS - RETURNED SERVED:**
032113
 Party: PARKER, TOM

04/02/2013 **SUMMONS - RETURNED NOT SERVED:**
 Party: UNKNOWN SPOUSE OF TOM PARKER

04/01/2013 **ANSWER OF**
AND AFFIRMATIVE DEFENSES
 Party: PALMBROOKE TOWNHOMES PROPERTY OWNERS ASSOC INC

03/29/2013 **SUMMONS - RETURNED SERVED:**
031513
 Party: PALMBROOKE TOWNHOMES PROPERTY OWNERS ASSOC INC

03/22/2013 **SUMMONS - RETURNED NOT SERVED:**
 Party: UNKNOWN TENANT/OCCUPANT

03/21/2013 **SUMMONS - RETURNED SERVED:**
031413
 Party: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC

03/06/2013 **CASE FILED**
 Party: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
 Party: PALMBROOKE TOWNHOMES PROPERTY OWNERS ASSOC INC
 Party: PARKER, MARILYN
 Party: PARKER, TOM
 Party: UNKNOWN SPOUSE OF MARILYN PARKER
 Party: UNKNOWN SPOUSE OF TOM PARKER
 Party: UNKNOWN TENANT/OCCUPANT

03/06/2013 **NOTICE OF LIS PENDENS**
Vol./Book 17918, Page 273, 2 pages

03/06/2013 **VALUE OF REAL PROP/MORTGAGE FORECLOSURE CLAIM**
 03/06/2013 **FORM A-PLAINTIFF CERTIFICATE**
 03/06/2013 **CIVIL COVER SHEET**
 03/06/2013 **COMPLAINT**
 03/06/2013 **PLAINTIFF'S CERTIFICATION OF SETTLEMENT AUTHORITY**
 03/06/2013 **SUMMONS TO PROCESS SERVER - PICK UP**
DPS
 Party: MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
 Party: PALMBROOKE TOWNHOMES PROPERTY OWNERS ASSOC INC
 Party: PARKER, MARILYN
 Party: PARKER, TOM
 Party: UNKNOWN SPOUSE OF MARILYN PARKER
 Party: UNKNOWN SPOUSE OF TOM PARKER
 Party: UNKNOWN TENANT/OCCUPANT

FINANCIAL INFORMATION

PLAINTIFF OCWEN LOAN SERVICING LLC**Court Ordered***Click Here!**Pay Now!***Fines, Fees, Costs?**
 Total Financial Assessment
 Total Payments and Credits

3,373.10

3,373.10

Balance Due as of 01/13/2016**0.00**

03/06/2013	Transaction Assessment			1,988.00
03/06/2013	Transaction Assessment			5.00
03/06/2013	Counter Payment	Receipt # SPB-2013-04748	GRONDIN, DARLA	(1,993.00)
09/13/2013	Transaction Assessment			10.00
09/13/2013	Mail Payment	Receipt # CV-2013-74650	PARKER, MONIQUE E	(10.00)
01/06/2015	Transaction Assessment			10.00
01/06/2015	Counter Payment	Receipt # CV-2015-00358	OCWEN LOAN SERVICING LLC	(10.00)

EXHIBIT "J" p 4

1/13/2016

<https://ccmspa.pinellascounty.org/PublicAccess/CaseDetail.aspx?CaseID=1718552>

06/12/2015	Transaction Assessment			29.00
06/12/2015	Counter Payment	Receipt # CV-2015-21014	STUART SELVAGGI	(29.00)
01/04/2016	Transaction Assessment			70.00
01/04/2016	REALAUCTION PAYMENT	Receipt # RA-2016-00023	COLLINS MALLARD	(70.00)
01/05/2016	Transaction Assessment			1,206.10
01/05/2016	Counter Payment	Receipt # CV-2016-00275	LUCILLE OR MIKE HALL	(1,206.10)
01/07/2016	Transaction Assessment			3.00
01/07/2016	Counter Payment	Receipt # CV-2016-00709	THIRD PARTY	(3.00)
01/11/2016	Transaction Assessment			2.00
01/11/2016	Counter Payment	Receipt # CV-2016-01166	MISC CUST @ WIN 2	(2.00)
01/12/2016	Transaction Assessment			50.00
01/12/2016	Counter Payment	Receipt # CV-2016-01281	STUART SELVAGGI	(50.00)

EXHIBIT "J" p 5.

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT, IN AND FOR
PINELLAS COUNTY, FLORIDA, CIVIL DIVISION**

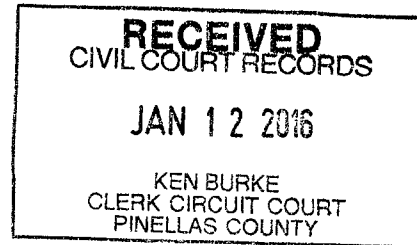
UCN: 522013CA002609XXCICI

REF: 13-002609-CI

Ocwen Loan Servicing, LLC Plaintiff,

and

Marilyn Parker, et al Defendants



OBJECTIONS TO SALE AND MOTION TO STAY

Stuart Selvaggi now comes and files this his Objection to the foreclosure sale held on January 5, 2016 in the above referenced case, and Motion to Stay all judicial and enforcement processes and procedures on this matter pending the Chapter 13 case filed, and as grounds therefore would show:

1. Stuart Selvaggi is the legal owner and has legal interest in the subject property having address of 8410 66th Way North, Pinellas Park, FL 33781 and the legal description of Lot 1, Block 7 of Palmbrooke Townhomes, according to the Plat thereof as recorded on Plat Book 130, pages 35 through 39, of the Public Records of Pinellas County, Florida having acquired title as evidenced by Exhibit A, Certificate of Title. This is Selvaggi's legal interest in the property.

2. Stuart Selvaggi has beneficial interest in this property evidenced by the purchase reflected on the Exhibit A Certificate of Title; consideration of which was \$40,000; and all payments made since June 4, 2014 for all maintenance, insurance, and HOA monthly dues.

2. The below captioned Chapter 13 case was filed on January 5, 2016 PRIOR to the foreclosure auction scheduled on the same day for Case 13-002609-CI:

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION**

IN RE:

STUART SELVAGGI

CASE NO. 8:16-BK-0033-CPM
CHAPTER 13

Instant bankruptcy case was filed prior to the commencement of the foreclosure auction

EXHIBIT "K" Pg 1

on January 5, 2016 in the above captioned civil case. Please see Exhibit B, copy of receipt from this Division showing date, time, and the case number issued immediately upon filing of the bankruptcy case. The bankruptcy case was opened and case number assigned at 09:24:15 January 5, 2016 by the Clerk of the United States Bankruptcy Court, Tampa Division. Exhibit B1 is the docket from Pacer showing this filing.

The Auction was scheduled to start at 10:00:00am January 5, 2016.

The actual recorded time of the auction for the subject property was 11:17am as evidenced by Exhibit B, C.

The bankruptcy case was filed at 9:27am on January 5, 2016; the auction occurred on the same day, 1 hour and 50 minutes AFTER the filing of bankruptcy, at 11:17am January 5, 2016

The Automatic Stay arises automatically upon the filing of a bankruptcy petition. Debtor need do nothing else to effect the stay. **11 U.S. Code § 362**

3. The subject property is the property of the bankruptcy estate.

The commencement of a case under section 301, 302, or 303 of this title creates an estate. Such estate is comprised of all the following property, wherever located and by whomever held:

(1) Except as provided in subsections (b) and (c)(2) of this section, all legal or equitable interests of the debtor in property as of the commencement of the case. **11 U.S. Code § 541 (a).**

4. The Automatic Stay applies to the property of the bankruptcy estate.

(a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title, or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970, operates as a stay, applicable to all entities, of—

(1) the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title;

(2) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;

(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;

(4) any act to create, perfect, or enforce any lien against property of the estate

11 U.S. Code § 362

5. The foreclosure auction occurred AFTER the commencement of the instant bankruptcy case and violates the Automatic Stay.

6. Any continuance of the judicial process of the state court civil matter against the Ch 13 debtor Selvaggi that was commenced before the commencement of the Chapter 13 case is a violation of the Automatic Stay.

The Auction which took place on January 5, 2016 is Void Ab Initio and in violation of the Automatic Stay.

The filing of the Motion to Issue Certificate of Title filed by Michael J and Lucille M Hall on January 6, 2016, attached Exhibit **D**, is violation of the Automatic Stay.

The Order to Issue Certificate of Title, attached as Exhibit **E**, issued and dated January 7, 2016 is violation of the Automatic Stay.

Any continuance of process in Case 13-002609-CI after the Chapter 13 filing date and time of 09:24:15 January 05, 2016 is in clear violation of the Automatic Stay.

Any actions or process resulting from the Order dated January 7, 2016 would be violation of the Automatic Stay, including issue of the certificate by the Clerk of Courts, and the filing of such.

Writ of possession in this matter would be violation of the Automatic Stay.

6. Under the 2015 Florida statute 45.031 Judicial sales procedures, the certificate of title shall be filed if no objections to the sale are filed within 10 days:

45.031 (5) CERTIFICATE OF TITLE.—If no objections to the sale are filed within 10 days after filing the certificate of sale, the clerk shall file a certificate of title and serve a copy of it on each party in substantially the following form:

The Order signed January 7, 2016 attached as Exhibit **F** was signed only two days after the auction date of January 5. The ten day Objection period was not allowed by the Order dated January 7, 2016.

7. You received on January 6 the high bidders' letter and proposed Order, attached as Exhibit **F**. The Order was signed on January 7, 2016. However, neither of these were filed in the civil court records department until January 8, 2015 at 4:44pm, 14 minutes AFTER the records department closed. The public court docket was not updated until Monday January 11, 2016. The effect of these occurrences was that Selvaggi was unaware of these communications, letter, proposed Order, and signed Order until January 11, 2016, Five days after receipt.

8. On January 11, 2016 immediately upon discovery of the Order dated January 7, Selvaggi filed his Motion to Reconsider Order Granting Motion To Issue Certificate of Title, attached as Exhibit 6.

Stuart Selvaggi prays this Honorable Court will sustain his Objection to the Sale of January 5, 2016 and to stay issuance Certificate of Title, to stay any other process including Writ of Possession in this instant case, pending Selvaggi's Chapter 13 bankruptcy case.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy hereof has been furnished by mail to the persons listed below this 12 day of January, 20 16.

OCWEN LOAN SERVICING LLC
c/o Brock and Scott PLLC
1501 NW 49th St, Suite 200
Ft. Lauderdale, FL 33309

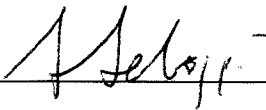
Michael J and Lucille M Hall
6648 83rd Ave North
Pinellas Park, FL 33781

THE BANK OF NEW YORK MELLON
FORMERLY KNOWN AS THE BANK OF NEW YORK AS TRUSTEE FOR ETC
ONE WALL STREET
NEW YORK, NY 10286

PARKER, TOM ALSO KNOWN AS PARKER, TOM W
8410 66TH WAY N
PINELLAS PARK, FL 33781

PARKER, MARILYN ALSO KNOWN AS PARKER, MARILYN W
8410 66TH WAY N
PINELLAS PARK, FL 33781

PALMBROOKE TOWNHOMES PROPERTY OWNERS ASSOCIATION INC
MONIQUE E PARKER
RABIN PARKER P A
28163 US HWY 19 N
SUITE 207
CLEARWATER, FL 33761



Stuart Selvaggi
8410 66th Way North
Pinellas Park, FL 33781
650-906-8370

Stuart Joseph Selvaggi
8410 66th Way North
Pinellas Park, FL 33781
650-906-8370

JENNIFER TARQUINO, Esq.
Brock & Scott
1501 NW 49th Street, Suite 200
Ft. Lauderdale, FL 33309
954-618-6955 x6156
Fax: 954-618-6954

**SENT BY FACSIMILE, EMAIL, US CERTIFIED MAIL, and US POST MAIL on
1/11/2016**

January 10, 2016

Re: Ref Civil Case 13-002609-CI
UCN: 522013CA002609XXCICI
Ocwen Loan Servicing, LLC v Marilyn Parker, et al
Subject property address: 8410 66th Way North
Pinellas Park, FL 33781

Ms. Tarquino:

You are Hereby Served Notice that you and your client Ocwen Loan Servicing, LLC are in Violation of 11 U.S. Code § 362 Automatic Stay.

The below captioned Chapter 13 case was filed on January 5, 2016 PRIOR to the foreclosure auction scheduled on the same day for Case 13-002609-CI:

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA, TAMPA DIVISION**

IN RE:

STUART JOSEPH SELVAGGI

CASE NO. 8:16-BK-0033-CPM
CHAPTER 13

Instant bankruptcy case was filed prior to the commencement of the foreclosure auction on January 5, 2016 in the above captioned civil case. Please see Exhibit A, copy of receipt from this Division showing date, time, and the case number issued immediately upon filing of the bankruptcy case.

Stay arises automatically upon the filing of a bankruptcy petition. Debtor need do nothing else to effect the stay. **11 U.S. Code § 362**

I am the Petitioner/Debtor in this instant bankruptcy case.

I have legal interest in the subject property evidenced by Exhibit B, Certificate of Title.

I have equitable interest in this property evidenced by the purchase reflected on the Certificate of Title, and all payments made since that date.

The subject property is the property of the bankruptcy estate.

The commencement of a case under section 301, 302, or 303 of this title creates an estate. Such estate is comprised of all the following property, wherever located and by whomever held:

(1) Except as provided in subsections (b) and (c)(2) of this section, all legal or equitable interests of the debtor in property as of the commencement of the case.
11 U.S. Code § 541 (a).

The Automatic Stay applies to the property of the bankruptcy case.

(a) Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title, or an application filed under section 5(a)(3) of the Securities Investor Protection Act of 1970, operates as a stay, applicable to all entities, of—

(2) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;

(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;

(4) any act to create, perfect, or enforce any lien against property of the estate

11 U.S. Code § 362

The foreclosure auction occurred AFTER the commencement of the instant bankruptcy case and violates the Automatic Stay.

This auction which took place on January 5, 2016 is **Void Ab Initio**.

Once notice is given to attorney in state court civil action which violates the Automatic Stay, to avoid award of damages or finding of contempt, attorney has affirmative duty to undo technical violation of Automatic Stay when foreclosure auction occurred. After such notification, attorney's failure to undo technical violation transforms the technical violation into **willful stay violation**, thus attorney would be held in contempt of court and would be ordered to pay attorney fees that had resulted from having to bring the matter before the court. **11 U.S. Code § 362(h).**


Damages may be awarded for violations of the automatic stay when the violation is willfull. **11 U.S. Code § 362.**

You have been Noticed. Take affirmative action immediately by filing Motion and Order to Void occurring on January 5, 2016 Sale to undo the technical violation of the Automatic Stay.

Any further enforcement or collection action in your instant state court civil matter constitutes a Willful and Intentional Violation of the Automatic Stay.

Lack of attorney affirmative action to immediately file Motion and Order to Void in instant state court civil matter to the Sale of January 5, 2016 and thereby undo the violation of the Automatic Stay, or

any further enforcement or collection action including issuance of Certificate of Title will result in the immediate filing of Emergency Motion for Contempt of Court, Motion for Damages (Actual and Distress) for Violation of Automatic Stay, Motion for Sanctions and Motion for Award of Attorneys Fees.



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January 13, 2016

Dear Customer:

The following is the proof-of-delivery for tracking number **782144222505**.

Delivery Information:

Status:	Delivered	Delivered to:	Receptionist/Front Desk
Signed for by:	M.RENEE	Delivery location:	Fort lauderdale, FL
Service type:	FedEx Priority Overnight	Delivery date:	Jan 12, 2016 08:45
Special Handling:	Deliver Weekday		
	Direct Signature Required		

Signature image is available. In order to view image and detailed information, the shipper or payor account number of the shipment must be provided.

Shipping Information:

Tracking number:	782144222505	Ship date:	Jan 11, 2016
		Weight:	0.5 lbs/0.2 kg

Recipient:
Fort lauderdale, FL US

Shipper:
Pinellas park, FL US

Thank you for choosing FedEx.

EXHIBIT "m"